

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 684**

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### Introduced by Assembly Member Block

February 17, 2011

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An act to add Section 72036 to the Education Code, relating to community colleges.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Block. Community college districts: trustee elections.

Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. The board of governors provides general supervision over each community college district and performs specified functions. Each community college district is under the control of a board of trustees.

Existing law provides various procedures for the nomination and election of the governing boards of community college districts. Existing law specifies the number of members on the board, residency requirements, length of terms, and the drawing of trustee boundaries.

~~This bill would, upon the board of trustees adopting a resolution in support of electing the trustees pursuant to this act, establish a procedure for the election of members, and the reapportionment of trustee areas of the governing board.~~

~~The bill would provide that candidates for election to the board be nominated by trustee area, as defined, at a primary election held on the~~

~~date of the statewide direct primary election. The 2 candidates receiving the highest number of votes would be the nominees for the general election for that trustee area. The candidate receiving a majority of the votes cast in the general election would be elected to represent that district, and would hold office for a 4-year term, as specified. Members of the board holding office on the effective date of this act would continue to hold office, as specified.~~

*This bill would authorize the governing board of a community college to change election systems, as specified, in accordance with the provisions of this section and the California Voting Rights Act. The Board of Governors of the California Community Colleges would be required to approve the changed election system.*

*The bill would authorize the governing board of a community college to establish elections by trustee areas. In establishing trustee areas, the territory of a district would be divided into trustee areas, and one member of the governing board would be elected from each trustee area. A candidate for election as a member of the governing board would be required to reside in, and be registered to vote in, the trustee area he or she seeks to represent. The governing board would be authorized to set the initial boundaries of each trustee area to reflect the population enumerated in the most recent decennial federal census. Thereafter, the boundaries of trustee areas would be adjusted, abolished, or rearranged as specified.*

~~The~~

*This bill would ~~provide that the~~ authorize a governing board to determine the number of trustees, and that the governing board may be composed of 5 to 9 members, as determined by the board. The board would be ~~required~~ authorized to establish, abolish, or adjust trustee areas and terms of office, as specified.*

~~This bill would require the board to set the boundaries of each trustee area before March 1, 2012, to reflect the 2010 decennial census. If the board fails to so set the boundaries, the county committee on school district organization would be required to set them before April 30, 2012. The boundaries would be set so that the population of each area is in proportion to the other districts. Thereafter the boundaries may be adjusted, abolished, or rearranged as specified.~~

*The bill would specify that the act would not apply to any community college district that enacts a specific statutory framework for its own trustee elections.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 72036 is added to the Education Code,~~  
2     ~~to read:~~

3     ~~72036. Notwithstanding any other provision of law, the number~~  
4     ~~of members, the election of members, and the reapportionment of~~  
5     ~~trustee areas of the governing board of a community college district~~  
6     ~~shall, upon the board of trustees adopting a resolution in support~~  
7     ~~of electing the trustees pursuant to the act that enacted this section~~  
8     ~~at the 2011–12 Regular Session of the Legislature, be provided~~  
9     ~~for pursuant to this section.~~

10    ~~(a) (1) Candidates for election as a member of a governing~~  
11    ~~board of a district shall be nominated by trustee area at a district~~  
12    ~~primary election held on the date of the statewide direct primary~~  
13    ~~election. At the district primary election, the two candidates~~  
14    ~~receiving the highest number of votes within the trustee area shall~~  
15    ~~be nominees for the district general election for that trustee area,~~  
16    ~~and the nominee who receives a majority of the votes cast by the~~  
17    ~~voters of the trustee area in the district general election shall be~~  
18    ~~elected to represent that trustee area. The district general election~~  
19    ~~shall be held on the same date as the statewide general election.~~

20    ~~(2) Candidates for election as members of a governing board~~  
21    ~~shall file a declaration of candidacy as provided in this code. Each~~  
22    ~~member of a governing board elected at a district general election~~  
23    ~~shall hold office for a term of four years commencing on the first~~  
24    ~~Friday in December next succeeding his or her election.~~

25    ~~(3) The members of the governing board in office on the~~  
26    ~~effective date of the act that enacted this section at the 2011–12~~  
27    ~~Regular Session of the Legislature shall hold office until the first~~  
28    ~~Friday in December of the year in which their respective terms of~~  
29    ~~office would otherwise have terminated, or until a successor~~  
30    ~~qualifies therefor.~~

31    ~~(b) The territory of a district shall be divided into trustee areas~~  
32    ~~and one member of the governing board shall be elected from each~~  
33    ~~trustee area. A candidate for election as a member of the governing~~  
34    ~~board shall reside in, and be registered to vote in, the trustee area~~  
35    ~~he or she seeks to represent.~~

1     SECTION 1. Section 72036 is added to the Education Code,  
2     to read:

3     72036. Notwithstanding any other provision of law, the  
4     governing board of a community college district is authorized to  
5     change election systems, in accordance with the provisions of this  
6     section and the California Voting Rights Act, upon the adoption  
7     by the board of trustees of a resolution in support of electing the  
8     trustees in accordance with this section and upon the approval of  
9     the Board of Governors of the California Community Colleges,  
10    as follows:

11    (a) The governing board of a community college district may  
12    establish elections by trustee areas. In establishing trustee areas,  
13    the territory of a district shall be divided into trustee areas, and  
14    one member of the governing board shall be elected from each  
15    trustee area. A candidate for election as a member of the governing  
16    board shall reside in, and be registered to vote in, the trustee area  
17    he or she seeks to represent. The governing board shall set the  
18    initial boundaries of each trustee area to reflect substantially equal  
19    population in each district as enumerated in the most recent  
20    decennial federal census. Thereafter, the boundaries of trustee  
21    areas shall be adjusted pursuant to Section 5019.5, and may be  
22    abolished or adjusted as otherwise provided in this code.

23    (b) The governing board of a community college district may  
24    establish a top-two primary election system as follows. Candidates  
25    for election as a member of a governing board of a district shall  
26    be nominated by trustee area at a district primary election held  
27    on the date of the statewide direct primary election. At the district  
28    primary election, the two candidates receiving the highest number  
29    of votes within the trustee area shall be nominees for the district  
30    general election for that trustee area, and the nominee who  
31    receives a majority of the votes cast by the voters of the trustee  
32    area in the district general election shall be elected to represent  
33    that trustee area. The district general election shall be held on the  
34    same date as the statewide general election.

35    (c) The governing board of a community college district may  
36    determine the number of trustees pursuant to this subdivision. The  
37    governing board of a district shall be composed of not less than  
38    five members and not more than nine, as determined by the  
39    governing board. Sections 5019 to 5030, inclusive, do not apply  
40    to the governing board's determination of the number of members

pursuant to this subdivision. If the number of members of a governing board is increased or decreased, a governing board shall establish new trustee areas, abolish trustee areas, or adjust the boundaries of trustee areas so that the number of trustee areas is equal to the number of governing board members. If the number of members of a governing board is increased, the additional members of the governing board shall be elected at the next regular general district election of board members occurring at least 123 days after the governing board approved the increased number of board members. Prior to the next district general election, the governing board shall divide by lot the additional trustee area positions that are created so that the term of one-half of the board members elected to those positions shall expire on the first Friday in December following the next district general election. The term of the other board members elected to fill the remainder of the additional positions shall expire on the first Friday in December following the second district general election succeeding their election.

~~(d) The governing board shall set the boundaries of each trustee area before March 1, 2012, to reflect the population enumerated in the 2010 decennial federal census. If the governing board fails to set the boundaries before March 1, 2012, the county committee on school district organization shall do so before April 30, 2012. The boundaries of each trustee area shall be set so that the population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas. Thereafter, the boundaries of trustee areas shall be adjusted pursuant to Section 5019.5 and may be abolished or rearranged as otherwise provided in this code.~~

*(d) This section shall not apply to any community college district that has been authorized by statute to provide for its own trustee elections.*